

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB93**

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**Hearing Date:** Thursday January 19, 2017  
**Committee On:** Judiciary  
**Introducer:** Hansen  
**One Liner:** Adopt the Automatic License Plate Reader Privacy Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks  
**Nay:**  
**Absent:** 1 Senator Chambers  
**Present Not Voting:**

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**Verbal Testimony:**

<b>Proponents:</b>	<b>Representing:</b>
Senator Matt Hansen	Introducer
Amy Miller	ACLU Nebraska

<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 93 establishes the Automatic License Plate Reader Privacy Act to regulate the use of ALPRs by Nebraska law enforcement agencies. The bill includes the following provisions:

Section 1- Title of the Act.

Section 2- Definitions.

Section 3- Listing of allowed uses for license plate readers by authorized law enforcement agencies, including: outstanding parking or traffic violations; unregistered or uninsured vehicles; vehicle equipment violations; violation of miscellaneous registration requirements; vehicles associated with outstanding warrants, missing persons, or material to an ongoing criminal investigation; vehicles reported as stolen.

Plate readers will be further allowed for parking enforcement entities to track access of secured areas, electronic toll collection, and weigh station monitoring.

Section 4- Use or sharing of captured data is prohibited unless: it is being used as evidence; it is subject to a court ordered preservation or disclosure request; it is part of a valid warrant request; it is necessary for an ongoing investigation and is destroyed upon completion of the investigation whether or not it results in criminal charges.

License plate reader system data must be updated at the beginning of each shift change.

Manual entry of license plates is permitted when a law enforcement officer believes vehicles or individuals may be involved with an ongoing criminal or missing person investigation. The reasons for the manual entry must be documented and data automatically purged at the end of each shift.

Section 5- Data can be preserved at the request of a government entity or defendant for fourteen days pending a court

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order being issued, provided the requestors specify in a sworn statement that the data on a particular camera must be preserved as relevant to an ongoing criminal investigation or prosecution, or a missing person investigation.

Captured plate data shall be destroyed at the time the preservation request is denied or after six months, whichever is later.

Privately collected plate data can only be used by government entities with a validly issued warrant.

Section 6- Government entities that use automatic license plate readers must: adopt a policy regulating the use of the system; adopt a privacy policy ensuring collected data will not be shared in violation of the Act; report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its practices, usage and statistics pertaining to license plate data collection as outlined in the Act; and disseminate these policies and reports in a notable location on the entity's web site, or barring that, its main governmental office. Reporting requirements will not apply to weigh stations.

Section 7- Captured data, or any evidence resulting from the data is inadmissible if disclosing the information would violate the Act.

Section 8- Violation of the Act is subject to civil legal action and may be awarded actual damages, punitive damages, attorney's fees and court costs.

Section 9- Captured license plate data is not public record and may only be disclosed to, or with the written consent of the registered owner of the vehicle. Captured plate data will not be disclosed to anyone with a valid domestic abuse protection order against them, regardless of their name on the vehicle registration unless ordered by the court.

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**Explanation of amendments:**

Strikes the original sections of the bill and replaces with substantially identical language but for the following changes:

Section 4 is changed to require that plate data cannot be kept by a law enforcement agency longer than sixty days unless: subject to a court authorized preservation request; an evidentiary purpose as outlined in Section 3 of the Act (which is identical between the amendment and the original bill; subject to a warrant, subpoena, or court order.

Section 5 is changed to state that the Act does not prevent the governmental entity from disclosing any captured plate data: To the parties to a criminal or civil action; for administrative purposes; to alert the public of an emergency situation; or relating to a missing person.

It goes further to remove the mandatory destruction of plate data when a preservation request is denied or after six months and the use of Federal Criminal Procedure for acquisition of private license plate reader data.

Technical changes:

In Section 3, changes "state, county, city or village law enforcement agency as an alert" to "law enforcement agency of a governmental entity".

In Section 4, changes "manually enter" to "manually query"

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Laura Ebke, Chairperson